

*Sports Shinko*

From: Satoshi Kinoshita <satoshi@sportsshinkohawaii.com>  
To: Peter Hamasaki <PJH@m4law.com>  
Date: 1/15/02 2:31PM  
Subject: Closing Date

*F&M ✓  
PJH ✓*

Esquire Hamasaki:

Sports Shinko needs to close as soon as possible. 25th is far more better than 28th. I can not secure any event on 28th Monday in Japan, that is still 27th Sunday in Hawaii. I will corporate to full extent for execution.

*File*

Very truly yours,  
Satoshi Kinoshita

\*\*\*\*\*  
Satoshi Kinoshita, Ph.D  
satoshi@sportsshinkohawaii.com  
Executive Vice President  
Sports Shinko Hawaii Co., Ltd.  
175 Paoakalani Ave., #300, Honolulu, HI 96815  
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Sports Shinko Co., Ltd.  
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**EXHIBIT B4**

**30 420-05**

**S. Kinoshita**

**EXHIBIT 30**

\*\*\*ATTORNEY-CLIENT PRIVILEGE\*\*\*

96

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

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4 SPORTS SHINKO (USA) CO., LTD., a Delaware  
5 Corporation; SPORTS SHINKO (MILILANI)  
6 CO., LTD., a Hawaii corporation, et al.,

7 Plaintiff,

8 vs. Case No. 02-1-2766-11 (EEH)

9 RESORT MANAGEMENT SERVICES  
10 (HAWAII), INC., a Hawaii corporation,  
11 YASUO NISHIDA, SATOSHI KINOSHITA, et al.12 Defendants.  
13 -----  
1415 DEPOSITION OF SATOSHI KINOSHITA

16 (Volume II)

17  
18 Taken on behalf of the Plaintiff at Alston Hunt Floyd &  
19 Ing, 1001 Bishop St., ASB Tower, 18th Floor, Honolulu,  
20 Hawaii 96813, commencing at 9:04 a.m., Wednesday, April  
21 20, 2005, pursuant to Notice.22  
23 BEFORE: BARBARA ACOBA, CSR No. 412, RPR  
24 Notary Public, State of Hawaii  
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\*\*\*ATTORNEY-CLIENT PRIVILEGE\*\*\*

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## 1 APPEARANCES:

2 For Plaintiff: GLENN MELCHINGER, Esq.  
3 ALSTON HUNT FLOYD & ING  
4 ASB Tower  
5 1001 Bishop St., 18th Floor  
6 Honolulu, Hawaii 96813

7  
8 For Defendant SATOSHI KINOSHITA:

9 JOHN KOMEIJI, Esq.  
10 WATANABE ING KAWASHIMA & KOMEIJI  
11 First Hawaiian Center  
12 999 Bishop St., 23rd Floor  
13 Honolulu, Hawaii 96813

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16 Also Present: STEVEN SILVER - Interpreter

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1           A.     Yes.   I was instructed to sign by the  
2 president.

Q. Now, this was on the 15th and the closing was scheduled, I think you said, for the 28th in the agreement. Between -- well, during that 13-day period or so, what do you recall about the negotiations with KG, if anything, to assume the management agreements with RMS?

9           A.     Well, RMS was a separate and independent  
10          third-party entity, if you will, and so all that I did  
11          was that I recommended that if it was okay with the  
12          other side, that we'd like to see them continue to use  
13          RMS as RMS had been managing Sports Shinko's hotels and  
14          golf courses.

15 Q. How involved were you with the negotiations  
16 with KG on that issue, the assumption of the RMS  
17 management agreements?

18           A. To the best of my recollection, that did not  
19       take place during the roughly 13 days between the date  
20       of the signing of the contract and the date of the  
21       closing, but took place prior to that.

(Exhibit 30 marked for identification.)

23 BY MR. MELCHINGER:

24 Q. Show you what's been marked Exhibit 30 to your  
25 deposition. Tell me if you've seen that before, please.

1 A. I have. Yes.

2 Q. Okay. It appears to be a request to move the  
3 closing date to the 25th; is that what this is, sent to  
4 Mr. Hamasaki, Peter Hamasaki, from you?

5 A. Yes.

6 Q. Do you remember why you sent this to  
7 Mr. Hamasaki?

8 A. I do.

9 Q. Could you tell me why.

10 A. Because I was instructed to do so by the  
11 president over the telephone.

12 Q. Did he tell you anything about why the closing  
13 date needed to be moved to the 25th?

14 A. What I recall was that I was told that the  
15 management on the Japan side was in a real bind and the  
16 president wanted us to hurry up and send the sales  
17 proceeds over to Japan.

18 Q. Okay. Did he explain why there was a need to  
19 hurry? I'm sorry, let me clarify the question.

20 Did the president explain to you why there was  
21 a need to accelerate the closing date, other than that?

22 A. Beginning around November the year 2001, the  
23 company on the Japan side was in a real pinch. They  
24 were short on funds and in specific terms, for example,  
25 cash flow was so bad that Sports Shinko in Japan was not

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## C E R T I F I C A T E

2 STATE OF HAWAII )

3 CITY AND COUNTY OF HONOLULU )

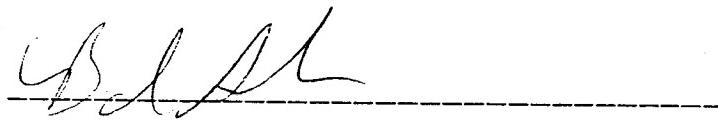
4 I, BARBARA ACOPA, Certified Shorthand  
5 Reporter and Notary Public, State of Hawaii, do  
6 hereby certify:

7 That on Wednesday, April 20, 2005, at  
8 9:04 a.m., appeared before me SATOSHI KINOSHITA, the  
9 witness whose deposition is contained herein; that  
10 prior to being examined he was by me duly sworn;

11 That the deposition was taken down by me  
12 in machine shorthand and was thereafter reduced to  
13 typewriting under my supervision; that the foregoing  
14 represents, to the best of my ability, a true and  
15 correct transcript of the proceedings had in the  
16 foregoing matter.

17 I further certify that I am not an attorney  
18 for any of the parties hereto, nor in any way concerned  
19 with the cause.

20 Dated this 30th day of April, 2005,  
21 in Honolulu, Hawaii.



23 BARBARA ACOPA, CSR NO. 412

24 Notary Public, State of Hawaii

25 My Commission Exp: 10-22-2008

